

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  UPDATE OF PIPELINE AND TRANSMISSION LINE RULES	DOCKET NO. RMU-02-2
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**ORDER ADOPTING AMENDMENTS**

(Issued April 12, 2002)

Pursuant to Iowa Code §§ 476.1, 476.2, 478.2, 479.5, 479.29, 479A.14, 479B.20, and 17A.4 (2001), the Utilities Board (Board) on February 7, 2002, issued an order in Docket No. RMU-02-2, In re: Update of Pipeline and Transmission Line Rules, "Order Commencing Rule Making," to consider amendments to 199 IAC 10.2(1), 10.3(4)"a," 11.5(1)"a," and 13.2(1). The "Notice of Intended Action" was published in IAB Vol. XXIV, No.18 (3/6/02) p. 1420, as ARC 1455B. The proposed amendments updated the rules to be in compliance with statutory changes and to add a requirement for companies requesting permission to construct a natural gas pipeline or an electric transmission line.

The "Adopted and Filed" notice, which is attached to this order and incorporated herein by reference, contains an explanation of the procedural history of the current rule making and a discussion of the comments for the rule making adopted by the Board.

**IT IS THEREFORE ORDERED:**

1. A rule making identified as Docket No. RMU-02-2 is adopted.
2. The Executive Secretary is directed to submit for publication in the Iowa Administrative Bulletin an "Adopted and Filed" notice in the form attached to and incorporated by reference in this order.

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Sharon Mayer  
Executive Secretary, Assistant to

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 12<sup>th</sup> day of April, 2002.

## **UTILITIES DIVISION [199]**

### **Adopted and Filed**

Pursuant to Iowa Code sections 476.1, 476.2, 278.2, 479.5, 479.29, 479A.14, 479B.20, and 17A.4 (2001), the Utilities Board (Board) gives notice that on April 12, 2002, the Board issued an order in Docket No. RMU-02-2, In re: Update of Pipeline and Transmission Line Rules, "Order Adopting Amendments." The Board is proposing to amend 199 IAC 10.2(1), 10.3(4)"a," 11.5(1)"a," and 13.2(1). The amendments to 10.2(1) and 13.2(1) will add the requirement of filing Exhibit "I," the land restoration plan that must be filed if a company is proposing to construct a pipeline on agricultural land as defined in 199 IAC 9.1(3). The Board is proposing to amend paragraph 199 IAC 10.3(4)"a" to bring the notice requirements for informational meetings prior to filing a petition for a permit to construct a natural gas pipeline into compliance with Iowa Code section 479.5. The Board is proposing to amend paragraph 199 IAC 11.5(1)"a" to bring the notice requirements for informational meetings prior to the filing of a petition for a franchise to construct an electric transmission line into compliance with Iowa Code section 478.2. Notice of Intended Action was published in the Iowa Administrative Bulletin (IAB) Vol. XXIV, No. 18 (3/6/02) p. 1420, as ARC 1445B.

Written comments in this rule making were to be filed on or before March 26, 2002. The Consumer Advocate Division of the Department of Justice, MidAmerican

Energy Company, and Interstate Power and Light Company filed comments stating they supported the proposed amendments. No party requested an oral presentation. Since no comments were filed suggesting any revisions to the proposed amendments, the Board will adopt the amendments as published.

The amendments are intended to implement Iowa Code sections 476.1, 476.2, 478.2, 479.5, 479.29, 479A.14, 479B.20, and 17A.4.

The amendments will become effective June 5, 2002.

The following amendments are adopted.

Item 1. Amend subrule **10.2(1)** by relettering paragraphs "i" and "j" as "j" and "k" and adopting new paragraph "i" as follows:

i. Exhibit "I." If pipeline construction on agricultural land as defined in subrule 199–9.1(3) is proposed, a land restoration plan shall be prepared and filed as provided in rule 199–9.2 (479, 479A, 479B).

Item 2. Amend paragraph **10.3(4)"a"** as follows:

a. ~~The meeting notice shall state the name of the prospective petitioner; state the address of the prospective petitioner's principal place of business; state the general description and purpose of the proposed project; state the general nature of the right-of-way desired; include a map showing the proposed route; advise that the affected party has the right to be present at the informational meeting and to file objections with the board; The notice shall set forth the name of the applicant; the applicant's principal place of business; the general description and purpose of the proposed project; the general nature of the right-of-way desired; the possibility that~~

the right-of-way may be acquired by condemnation if approved by the board; a map showing the route of the proposed project; a description of the process used by the board in making a decision on whether to approve a permit including the right to take property by eminent domain; that the landowner has a right to be present at such meeting and to file objections with the board; and designation of the time and place of the meeting; and contain the following statement: Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515) 281-5256 in advance of the scheduled date to request the appropriate arrangements be made; ~~and designate the date, time, and place of the meeting.~~ Mailed notices shall also include a copy of the statement of damage claims as required by 10.2(3)"b."

Item 3. Amend paragraph **11.5(1)"a"** as follows:

a. ~~The meeting notice shall set forth the name of the prospective petitioner; state the address of the prospective petitioner's principal place of business; state the general description and purpose of the proposed project; state the general nature of the right-of-way desired; provide a map showing the route of the proposed project; advise that the affected party has the right to be present at the informational meeting and to file objections with the board;~~ The notice shall set forth the name of the applicant; the applicant's principal place of business; the general description and purpose of the proposed project; the general nature of the right-of-way desired; the possibility that the right-of-way may be acquired by condemnation if approved by the utilities board; a map showing the route of the proposed project; a description of the

process used by the board in making a decision on whether to approve a franchise or grant the right to take property by eminent domain; that the landowner has a right to be present at such meeting and to file objections with the board; and a designation of the time and place of the meeting; and contain the following statement: Persons with disabilities requiring assistive services or devices to observe or participate should contact the Utilities Board at (515)281-5256 in advance of the scheduled date to request the appropriate arrangements be made; ~~and designate the place, date, and time of the informational meeting.~~

Item 4. Amend subrule **13.2(1)** by relettering paragraphs "i" and "j" as "j" and "k" and adopting new paragraph "i" as follows:

i. Exhibit "I." If pipeline construction on agricultural land as defined in subrule 199–9.1(3) is proposed, a land restoration plan shall be prepared and filed as provided for in rule 199–9.2(479, 479A, 479B).

April 12, 2002

/s/ Diane Munns

Diane Munns  
Chairman